

REMARKS

Claims 5-7, 10, 14-17, and 19-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-2, 8-9, 11, and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Greenwald (U.S. Patent No. 6,123,390). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwald in view of Opsvik et al (U.S. Patent No. 5,255,957).

1. Applicant requests reconsideration and withdrawal of the rejections under 35 USC 112 for the following reasons:

a. Claim 5 has been amended to properly recite "two teeth" without requiring an antecedent basis. The basis for terminology in the claim regarding the "teeth" of the "fork" appears on page 7 at line 19 of the application, and this terminology results from the translation of the terms used in the original French application.

b. The clause "from said cantle element" has been added to claim 5 for clarification. Support for this amendment can be found in Figures 1 and 2 and the discussion of these figures on page 5, lines 3-6, of the application.

c. Claims 5, 10, 17, 19 and 20 have been amended to change the "forwards" to --forward-- and "upwards" to --upward--.

d. Claim 18 has been amended by adding a period after the claim.

2. Applicant requests reconsideration and withdrawal of the rejections under 35 USC 102 for the following reasons:

According to the Office Action, *Greenwald* (U.S. Patent No. 6,123,390) shows a "seating module for a chair, wherein it includes: a structural framework (not labelled) provided with a pommel element 26, a frame (not labelled) arranged above the structural framework and provided with a cantle element 20 ", and "means for connecting the frame to the structural framework, including a joint 30 which allows the frame to tilt in relation to the structural framework".

It is respectfully submitted that the Office Action mischaracterizes *Greenwald* in a substantively significant way, and that in so doing, the Office Action reaches a conclusion that is not supported by the prior art relied upon. In particular, *Greenwald* does not teach a "seating module" having the above-mentioned features, but instead discloses a chair. The joint 30 disclosed in *Greenwald* rather corresponds to the "conventional adjustable chair tilting mechanism 52" (page 10, line 8, of the present application), the function of which is to connect the seating module to a support in order to complete an apparatus that can be defined as a chair.

Consequently, *Greenwald* clearly fails to teach a "seating module for a chair" that includes: a structural framework provided with a pommel element in a rigid manner, a frame arranged above the structural framework and provided with a cantle element, and means for connecting the frame to the structural framework, including a joint which allows the frame to tilt in relation to the structural framework, as is recited in amended claim 1 of the present application.

In the instant application, the seating module is described on page 6, where it is indicated that Figures 1, 2 and 4 represent a seating module, while Figure 5 shows a chair. Further, on page 7, the seating module is described on lines 2-18, and claim 1 of the instant application clearly relates to "A seating module for a chair". Thus, the instant application discloses a novel and unobvious seating module portion for a chair, whereas *Greenwald* is directed to an entire chair.

Claim 1 has been amended so that the subject-matter for which protection is sought is more clearly defined to avoid any mischaracterization of the seating module and its framework. More precisely, amended claim 1 now specifies that the "structural framework [is] provided with a pommel element in a rigid manner", this being clearly not the case in the Office Action interpretation of the chair framework of *Greenwald*.

No new matter is added by virtue of this amendment to claim 1, as is evident from Figures 1 and 2, as well as from the specification on page 7, second paragraph, which states that "structural framework 10, in plane, has a T-shape the vertical bar 18 of which, placed in axis II-II, extends forward and is bent upward to end in a pommel element 20". Thus, according to this exemplary preferred embodiment, pommel element 20 is integral with framework 10, that is to say it is connected in a rigid manner to the framework. This, however, does not exclude a technical solution according to which their relative position may be adjusted while keeping their connection rigid (page 11 of the specification, lines 7-8).

Furthermore, it is submitted that, neither *Greenwald*, nor any of the prior art documents made of record taken singly or in any hypothetical combination, even arguably discloses a seating module as disclosed and claimed in the present application. Consequently, it is believed that the subject-matter of each of the claims now presented is novel and unobvious.

3. Applicant requests reconsideration and withdrawal of the rejection under 35 USC 103 for the following reasons:

In view of the clear deficiencies of *Greenwald* in either disclosing or rendering obvious the arrangement of the seating module disclosed and claimed in the present application, as set forth above, it follows that the § 103 rejection of claim 10 is likewise unfounded. In fact, inasmuch as claim 10 recites further features

with respect to claim 1 that, without the necessity of going into more specific detail, cannot be rendered obvious by the relied-upon prior art.

4. The disclosure was objected to because of certain informalities in the specification as specifically identified by the office. Applicant requests reconsideration and withdrawal of this objection for the following reasons:

The prior specification filed on December 8, 2006, has been amended to correct the informalities identified by the office and other editorial errors, to add paragraph numbering, and to add section headings in compliance with 37 CFR 1.77.

The claims also have been amended for conformity to U. S. practice. Neither the amendments to the claims nor the amendments to the specification are believed to involve any new matter.

In view of the foregoing amendments and remarks, it is believed that all of the claims as now presented are allowable under 35 U.S.C., Sections 102, 103 and 112. Accordingly, reconsideration of the application and allowance of these claims are respectfully requested. If for any reason the application is not in condition for examination and allowance, the undersigned would appreciate a call to the telephone number given below, or an e-mail to the address given below.

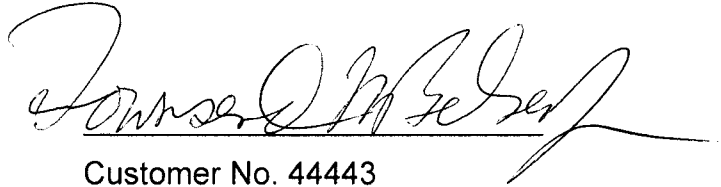
DEPOSIT ACCOUNT AUTHORIZATION

It is not believed that an extension of time or any fees, other than those presented herewith, are required. However, in the event that extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR 1.136(a), and any additional fees required for consideration of this paper, including fees for the net addition of claims, are hereby authorized to be charged to our Deposit Account No. 080719.

If any designated extension fees, or other designated fees, are not required or are in excess of the amount required, the Director is hereby authorized to credit any such overpayment to Deposit Account No. 080719.

Respectfully submitted,

Date: 6-20-07



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